

AMENDED IN SENATE MAY 1, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1610

Introduced by Senator Bowen

February 21, 2002

An act to add Section 110808 to the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

SB 1610, as amended, Bowen. Food: nutritional labeling: fatty acids.

Existing state and federal law make various provisions for the regulation of the processing, labeling, advertising, and sale of food, drugs, and cosmetics, as defined. Under existing federal law, dietary supplements are included within the definition of food.

Existing law provides that a food is misbranded if its labeling does not conform with requirements for nutrition labeling, nutrient content, or health claims under federal law. It is unlawful for any person to misbrand any food, and a violation is subject to criminal penalties.

This bill would require any manufacturer or producer of a food product, ~~which is intended for human consumption and for which there are labeling requirements regarding nutrient content claims and health claims under federal law, to provide in the labeling of the food product information regarding the amount of trans fatty acids present in that food, including a dietary supplement, if there is a claim made on the labeling of that food product about the level of saturated fat and that claim is only permitted, under federal law, if the amount of saturated fat contained in the food product does not exceed a certain maximum~~

~~amount~~ that is intended for human consumption and for which there are federal labeling requirements regarding nutrient content claims and health claims, to provide in the labeling of that food product information regarding the amount of trans fatty acids present in the food product, when specified claims are made on the labeling of the food product regarding the low level of saturated fat in the product.

Because this bill would change the requirements for food labeling, it would change the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110808 is added to the Health and
2 Safety Code, to read:

3 110808. (a) It is the intent of the Legislature in enacting this
4 section ~~that California consumers be able to enable California~~
5 ~~consumers~~ to make knowledgeable choices about food
6 consumption based on the disclosure of information concerning
7 the makeup of that food.

8 (b) For purposes of this section, the following definitions shall
9 apply:

10 (1) "Hydrogenation" is a process of adding hydrogen to liquid
11 oils, enabling liquid oils to solidify, which increases the shelf life
12 and flavor stability of the liquid oils and the foods that contain
13 those liquid oils.

14 (2) "Trans fatty acids" are acids made through the process of
15 hydrogenation that solidifies liquid oils, thereby increasing the
16 shelf life of processed foods containing the liquid oils.

17 ~~(c) Notwithstanding Sections 110665 and 110670, any~~
18 ~~manufacturer or producer of a food product, which is intended for~~
19 ~~human consumption, shall provide in the labeling of the food~~
20 ~~product information regarding the amount of trans fatty acids~~

1 ~~present in that food, including a dietary supplement, if there is a~~
2 ~~claim made on the labeling of that food product about the level of~~
3 ~~saturated fat and that claim is only permitted, under federal law,~~
4 ~~if the amount of saturated fat contained in the food product does~~
5 ~~not exceed a certain maximum amount.~~

6 *(c) Notwithstanding Sections 110665 and 110670, any*
7 *manufacturer or producer of a food product that is intended for*
8 *human consumption, including a dietary supplement, shall*
9 *provide in the labeling of that food product information regarding*
10 *the amount of trans fatty acids present in the food product. This*
11 *subdivision shall apply only when there is a claim made on the*
12 *labeling of the food product about the low level of saturated fat,*
13 *as permitted under federal law when the amount of saturated fat*
14 *contained in the food product does not exceed a specified*
15 *maximum amount.*

16 *(d) Notwithstanding Sections 110665 and 110670, the*
17 *information required under subdivision (a) shall be displayed on*
18 *the label in a conspicuous and easily legible boldface print or type*
19 *in clear contrast to other matter on the package. The label shall*
20 *comply with the type size specifications set forth in Section*
21 *101.105(i) of Title 21 of the Code of Federal Regulations.*

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.